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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,672	11/07/2002	Kurt H. Ruppman SR.	P-D008	9271
5073	7590	04/05/2006	EXAMINER	
BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980			MCDOWELL, SUZANNE E	
			ART UNIT	PAPER NUMBER
			1732	

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/065,672

Applicant(s)

RUPPMAN ET AL.

Examiner

Suzanne E. McDowell

Art Unit

1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5, 7-20 and 22-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-20 and 22-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 7 and 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Bose (US Patent 3,789,093). Bose discloses a method of extrusion blow molding wherein the molding area is blanketed by CO<sub>2</sub> at ambient temperature (column 2, lines 50-66) and wherein CO<sub>2</sub> also is utilized to keep the extruded parison open (column 3, lines 12-16), can be used to blow the parison, and to cool the blown parison (column 4, lines 1-44). Bose thereby discloses all of the limitations of claims 7 and 11-14.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, 8-10, 14-20, and 22-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bose (US Patent 3,789,093) in view of Nelson et al. (US Patent 5,648,032). Bose discloses a method of extrusion blow molding wherein the molding area is blanketed by CO<sub>2</sub> at ambient temperature (column 2, lines 50-66) and wherein CO<sub>2</sub> also is utilized to keep the extruded parison open (column 3, lines 12-16), can be used to blow the parison, and to cool the blown parison (column 4, lines 1-44). Regarding claims 1, 3, 17, 18, 20, 22, 24, 26, 29, and 31, Bose does not teach that the material is contacted with an inert gas prior to extrusion. Regarding claims 14, 19, 25, and 30, Bose does not teach that the plastic used is one of those enumerated. Nelson et al. teaches a method of forming a plastic article such as a bottle preform (column 6, lines 7-9) by passing a purge gas over a molten polyester, wherein the purge gas may be an

inert gas such as nitrogen (column 5, lines 1-3), the polyester may be polyethylene terephthalate (example 1), and wherein the plastic may be dried prior to extruding if it is necessary (column 5, lines 46-49). It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the method taught by Nelson et al. to modify the method taught by Bose, in order to form a finished product with a lower acetaldehyde content. The motivation to use Nelson et al. to modify Bose is that both are in the same field of endeavor, that of extrusion blow molding.

Regarding claims 2, 4, 8-10, 15-16, and 23, Bose does not teach the claimed process temperatures. It is generally well known in the art that process temperatures depend upon the material utilized, and the desired characteristics of the finished article, including the desired use of the finished article. It is generally well known in the art to choose process temperature that are well known, such as cryogenic temperatures, to modify the method taught by Bose, in order to form a finished product with the desired characteristics.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kuhnert (US Patent 4,088,724); Lee (US Patent 5,229,043); and Shah (US Patent 5,354,523).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suzanne E. McDowell whose telephone number is (571) 272-1205. The examiner can normally be reached MWF 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael P. Colaianni can be reached on (571) 272-1196. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1732

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Suzanne E. McDowell  
Primary Examiner

  
SEM

April 3, 2006